



CONSTITUENT ASSEMBLY OF PAKISTAN

DEBATES

Monday, 11th August, 1947

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Monday, the 11th August, 1947

The Constituent Assembly of Pakistan met in the Assembly Chamber at Karachi, at Ten of the Clock, the temporary Chairman (The Honourable Mr. Jogendra Nath Mandal) in the Chair.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

Mr. Chairman (The Honourable Mr. Jogendra Nath Mandal): I request those Members who have not presented their credentials and signed the Roll to present their credentials to the Secretary and sign the Roll.

The following Members then presented their credentials and signed their names in the Register :—

East Bengal—Muslim

1. The Honourable Mr. Fazlur Rahman.
2. The Honourable Mr. Mohammed Ali.

Sylhet—Muslim

1. Mr. Abdul Matin Chaudhary.

Sylhet—General

1. Mr. Akshay Kumar Das.

ELECTION OF PRESIDENT

Mr. Chairman : In compliance with the provisions of paragraph 2 of the Resolution regarding the procedure for the election of the President, passed by the Assembly on the 10th August 1947, I have to announce to Honourable Members that 7 nomination papers duly filled in have been received by the Secretary on behalf of Quaid-i-Azam Mohammad Ali Jinnah.

The names of the proposers and seconders are as follows :

Proposers

1. Mr. Ghyasuddin Pathan.
2. Mr. Hamidul Huq Chowdhury.
3. Mr. Abul Kasem Khan.
4. The Honourable Mr. Liaquat Ali Khan.
5. Khwaja Nazimuddin.
6. The Honourable Mr. M. A. Khuro.
7. Maulana Shabbir Ahmad Osmani.

[Mr. Chairman.]

Seconders

1. Mr. Abdulla-al Mahmood.
2. Mr. Muhammad Habibullah Bahar.
3. Mr. Nur Ahmed.
4. The Honourable Sardar Abdur Rab Khan Nishtar.
5. Khan Iftikhar Husain Khan.
6. Sardar Bahadur Khan.
7. The Honourable Mr. Ghazanfar Ali Khan.

All nomination papers are valid, and, as there is no other candidate, I hereby declare Quaid-i-Azam Mohammad Ali Jinnah as the duly elected President of the Constituent Assembly. (*Loud applause.*)

I would now request the President to take the Chair. (*Loud applause.*)

(Quaid-i-Azam Mohammad Ali Jinnah accompanied by the Honourable Mr. Liaquat Ali Khan and the Honourable Sardar Abdur Rab Khan Nishtar went up to the dais and occupied the Chair amidst loud applause).

CONGRATULATIONS TO THE PRESIDENT

***The Honourable Mr. Liaquat Ali Khan** (East Bengal: Muslim): Mr. President, Sir. It is with the greatest pride that I rise to congratulate you on your election as the President of the Constituent Assembly of Pakistan. Sir, you have been rightly described as the Architect of Pakistan, and what greater fortune could we have than to have you as the President of this Sovereign Body, to build the State which we have got through your devotion, untiring zeal, selfless service and unshakable determination. (*Cries of "hear, hear".*)

Sir, as one who had the privilege of working with you in close association for over 11 years, I can say with truthfulness and honesty that the achievement of the State of Pakistan is mainly, if not entirely, due to your services. (*Cheers.*) It is indeed an unparalleled event in the history of the world that without bloodshed, without going through a bloody revolution, a State which is the fifth largest in the world, should come into existence. Sir, I know that we really are most fortunate that we will continue to have your guidance, and your assistance in building up the structure of the future State of Pakistan. Sir, it is not only that you are elected as the President of this Sovereign Constituent Assembly, but you will be having a dual capacity of not only being head of the Assembly, but also head of the State. I am confident that you would, while discharging your onerous duty, be always guided by that intellectual honesty which you possess. I have never found you wavering even in the most difficult circumstances, and I am sure that it augurs well for the future State of Pakistan that we will have as its builder, the Architect who designed this State, which is the fifth largest in the world. (*Cheers.*)

*Speech not corrected by the Honourable Member,

Mr. President : Mr. Kiran Sankar Roy.

Mr. Kiran Sankar Roy (East Bengal: General): Mr. President, on behalf of the Congress Party in this Assembly, I offer our most sincere congratulations to you, Sir, on your election as the President of the Pakistan Constituent Assembly.

Mr. President, in your most amazing career, one of the most brilliant that any Indian had, if I may say so without seeming to be patronising, you have received, Sir,.....

An Honourable Member : We cannot catch your voice.

Mr. Kiran Sankar Roy: I shall try to raise my voice.....you have received many tokens of affection. You have had triumphs in many spheres of life, and when we compare all your achievements with the honour that this House is conferring on you, it may seem to be not very important. But Sir, I for one, congratulate you for having agreed to accept the Presidentship of this House. It is a wise decision. You, who have been the dreamer of Pakistan, now that your dream has been realised, should, as my friend the Honourable Mr. Liaquat Ali Khan said, be the architect of its constitution. You should now have the opportunity and the privilege of giving shape to your dream.

As far as we are concerned, Sir, if the Pakistan which you have in your mind means a secular democratic State, a State which will make no difference between a citizen and a citizen, which will deal fairly with all irrespective of caste, creed or community, I assure you that you shall have our utmost co-operation.

If you will permit me, I would also like to state very briefly the policy which we Congressmen in this House would like to follow. Frankly, Sir, we are not very happy. We are unhappy because of this division of India. We are unhappy because of the partition of Punjab. We are also unhappy because of the partition of Bengal. But as this arrangement has been agreed upon by the two great parties, we accept it loyally, and shall work for it loyally. (*Cheers.*) We shall accept the citizenship of Pakistan with all its implications. (*Cheers.*) We would like to share all the difficulties and the risks, and surely there will be difficulties and risks at the birth of a new State. I say we shall share all the difficulties and the risks as we hope to share the prosperity and happiness which we will jointly create in this new State. And in return, Sir, we shall expect the rights and privileges of the minority guaranteed in the constitution, guaranteed not only in the Constitution but actually respected in the day to day working of the Government. When I say that, Sir, I realise that mere guarantee in the constitution is not enough. The other evening you rightly observed that what was wanted was mutual trust, mutual faith and mutual co-operation. I may once again assure you that there will be no want of trust and co-operation on our side. (*Cheers.*)

Sir, you have been a great leader of the Muslims. Time has now come for you to take up the leadership of the State which includes not only Muslims,

[*Mr. Kiran Sankar Roy.*]

but Hindus and other communities. We invite you to that leadership and we will not fail to support you. When history writes its final judgment on your career, I hope, Sir, it will put it on record that you were not only a great leader of a great community, but you were also a great leader of an entire people of a State which you have brought into being. (*Cheers.*)

Sir, I once more offer you my sincerest congratulations.

The Honourable Mr. M. A. Khuhro (Sind : Muslim): Sir, I rise to congratulate you with all the sincerity at my command, on behalf of myself and my worthy colleagues and the peoples of this province on this very happy occasion when, Sir, you have been unanimously elected by this august body to be its head to conduct the deliberations on this greatest and most important occasion of framing the constitution of Pakistan Dominion. Sir, I have had the honour of being associated with you in the great organisation of Muslim League for the last 10 years and I can say, Sir, that you are the greatest leader that the Muslim world has ever produced.

It is, Sir, due to your untiring zeal and sincere efforts that we have achieved our dream of life in that this Pakistan Government has been established and it is a fact today. I remember, Sir, that when in the year 1940 you presided at the All-India Muslim League Session at Lahore and this goal of Pakistan was for the first time decided upon—Pakistan to be an independent State and India to be divided—many people considered then that it was a dream which was never perhaps to be realised. Within these 6 or 7 years, as my Honourable friend, Nawabzada Liaquat Ali Khan, rightly said, without any bloody war and without any serious sacrifice of that kind, you have been able to get this Pakistan for the Mussalmans of this part of the country. It is because of your sagacity and your unparalleled statesmanship that you have achieved it and now we are proud to say that the Pakistan is one of the most important States in the world and rightly the fifth State in area as well as in population in the world today.

Sir, we are sure that under your able guidance we shall be able to frame the constitution which many may well envy and it is indeed one of the happiest and proudest moments of my life to rise on this occasion to congratulate you on this occasion when you have been unanimously elected as the leader and the head of this august body. You are the head of the Dominion of Pakistan and you are also the head of the Pakistan Republic. So in both these capacities, as Governor-General of the Dominion of Pakistan as well as the Quaid-i-Azam, the leader of the Muslim Republic of Pakistan, you deserve our most sincerest and heartiest congratulations. I am very glad to express my views and have this opportunity to express my humble views in congratulating you on this happy occasion.

The Honourable Mr. Jogendra Nath Mandal (East Bengal: General): Mr. President, Sir, I rise to offer you my heartiest congratulations on your

election as the President of the Constituent Assembly of Pakistan. On behalf of myself and on behalf of eight millions of the Scheduled Castes inhabiting the State of Pakistan, whom I have the honour to represent in this House, I offer you most sincere congratulations.

Sir, as you are well aware I have to represent the great section of the minority communities inhabiting Pakistan, the section of people who are backward in all respects, who are backward politically, economically and socially. Although I have been trying to render them the best service and doing my utmost to uplift them economically, politically and socially, I feel I am not strong enough to carry out my mission, and it may be that you will always find myself alone to raise a single voice on behalf of the eight millions of Scheduled Castes of Pakistan. Along with them, if you will kindly permit me, I shall try to raise the voice of other small minorities too. Although I am not sufficiently strong and capable to represent their case in a manner which may attract the earnest considerations of all the sections of the House, but I feel that your generous heart and your mighty mind will always feel the earnestness and the sincerity with which I shall try to represent their case and I feel that my voice, however feeble it may be, will not fail to raise sympathy in your august self and to raise friendship and spirit of co-operation in the Honourable Members of all sections of the House.

Sir, I feel my duty and responsibility will be extremely onerous. On this occasion I pray to God Almighty to give me the power and wisdom so that I can, in the midst of turmoil and trouble, in the midst of opposition and criticism, uphold the cause of those for whom I have come here. On behalf of the eight millions of the Scheduled Castes and other small minorities who have got no representative here I assure you our whole-hearted support, unstinted faithfulness and sincere loyalty to the State and to you as the Governor-General of Pakistan.

Sir, you will kindly forgive me and the House will also kindly forgive me as I shall always appear to be very ambitious and as I shall always be found asking more and more for the backward minorities. But I feel the House will realise and, Sir, you will realise that unless the backward section of the people of your beloved Pakistan are raised to the level of the other people, the State of Pakistan cannot be prosperous, happy and peaceful.

Therefore, I feel that although my demands may appear somewhat more than what I deserve, they will receive the sympathetic consideration of you and the Honourable Members of this House. Sir, while I propose to demand more and more for my people, I realize the responsibilities and duties of my people and I can assure you, Sir, and assure this Honourable House that although my people are backward in education, although my people are backward socially and economically, they are not backward in their faithfulness and service. I assure you, Sir, that the service of the millions of the Scheduled Caste people of Pakistan will be always at your disposal. (*Hear, hear.*) With these words I again on behalf of myself and on behalf of those whom I have the honour to

[*The Hon'ble Mr. Jogendra Nath Mandal.*]

represent in this House offer you our sincere felicitations and cordial thanks.
(*Prolonged cheers.*)

Mr. Abul Kasem Khan (East Bengal : Muslim) : Mr. President, I am most grateful to you for allowing me the privilege of paying my humble homage to you on the occasion of your election as the President of our Assembly. We, as Members of this historic Assembly have really to felicitate ourselves on this happy augury of our success. Sir, you as the great leader of our people have translated our cherished dream for generations into a reality and I feel along with all other Members of this House that it is in the fitness of things that you alone should guide us, should guide our steps in the difficult task of framing a constitution for Pakistan. We thank Providence for the great favour that has been done to us in providing you also as the President of our Constituent Assembly. You have forged the State of Pakistan against tremendous odds. You have raised the hopes of millions of down-trodden people not only amongst the Mussalmans but among the Depressed Classes and other sub-communities of India who are all happy that you as their champion have been raised to the high office of the Governor-General of Pakistan and that you have condescended today to accept the office of the President of this Assembly, though it is no honour to you. You have shown us, the Members of this House, a great honour by accepting the office.

Sir, we are again fortunate in having in you one of the greatest luminaries of law to preside over the deliberations of this House which is faced with the difficult task of framing a constitution that will satisfy not only the Mussalmans but all the minorities. Sir, unlike many of my colleagues in this House I do not have the proud privilege of knowing you personally as I come from a distant corner of Pakistan, namely, Chittagong. But, Sir, I may assure you that in that distant and remote corner of Pakistan you are as dear and near to us as the dearest and nearest of our own kith and kin. Sir, it is also in the fitness of things that you who have planned this State for us should today be its chief architect to help us in raising the edifice which God willing will accommodate all of us to our satisfaction. This will be a house of many rooms and many doors; but it will shelter all of us irrespective of caste and creed. You as the Captain of our rather frail ship have led us from success to success and we feel quite confident that in your hands the destiny of our ship of Pakistan will be quite safe and that we should be able to reach our destiny avoiding all rocks and shoals on the way.

Sir, I think I should now conclude with an earnest prayer to the Almighty God in which I know all my friends will join : "God give us the wisdom and courage to chalk out a constitution which will be based on the Islamic foundations of brotherhood and equality of men" than which there can be no stronger foundation. Sir, I hope and pray that the God Almighty will help us in framing a constitution that will satisfy all sections of Members and all sections of people outside this House and we feel hopeful and confident that under your able guidance that success is almost assured to us.

Begum Jahan Ara Shah Nawaz (West Punjab: Muslim): Quaid-i-Azam, it is my proud privilege to offer you our most cordial and sincere congratulations on your being elected as the President of this sovereign body. Unfortunately, my colleague is not here today and I am sorry that she is unable to support me, but on behalf of half of your nation it is my privilege to offer you our congratulations this morning. Sir, as one who has been associated with you in your uphill task I remember the time when you were fighting a battle for your nation, and at that time we were only asking for full provincial autonomy and even that seemed to be impossible. And today what does one see? One sees a free, independent State realised through your efforts only. I remember the day when you first came to Lahore as the Honourable Mr. Liaquat Ali Khan said with a small despatch case and with one supporter only and shortly after that your clarion call to your people was to ask for a free and an Independent State. People said it was a dream; many of the intellectuals said that this dream could never be realised; and this was not very long ago. And yet today it has been achieved, realised through your honesty of purpose, your efforts and through your statesmanship which is unrivalled in the world. I have had the honour of working with many statesmen of the world and I have no hesitation in saying on the floor of this House that our nation is lucky in having you as the one who is guiding our destinies, the like of which I have not seen anywhere in the world.

Quaid-i-Azam, that dream, which was supposed to be a dream, has been realised. Many people have marvelled at it. They did not know that the nation was ready clamouring for an ideal that would be worthy of achievement and it was Quaid-i-Azam Mohammad Ali Jinnah who gave that ideal to the thirsting nation. What greater ideal could there have been but that the people of your nation should be free of domination of all, free from foreign or internal domination, an independent State, where they could breathe God's free air and live and work as they liked or according to the aptitudes which nature has bestowed upon them. In the achievement of that dream many battles have had to be fought. Let me remind you that in all those battle-fields the better half or the weaker half of your nation has not lagged behind. In fact, in many of those battle-fields they have been in the fore-front of the fight and today, while offering my whole-hearted and sincere congratulations on behalf of all women, I beg to remind you of one thing only, that we women of your nation ask for nothing more than what has been given to us by our religion, for it was for the first time in the history of the world that our religion recognised equality in civic rights between man and woman and we ask for nothing more. I only remind you of this for I know that our interests are safe in your hands. Once again I congratulate you and pray to God that He may grant you long life to be our guide, philosopher friend—for many many years to come.

PRESIDENT'S ADDRESS

Mr. President (Quaid-i-Azam Mohammad Ali Jinnah) : Ladies and Gentlemen, I cordially thank you, with the utmost sincerity, for the honour you have conferred upon me—the greatest honour that it is possible for this Sovereign Assembly to confer—by electing me as your first President. I also thank those leaders who have spoken in appreciation of my services and their personal references to me. I sincerely hope that with your support and your co-operation we shall make this Constituent Assembly an example to the world. The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing our future constitution of Pakistan and the second of functioning as a full and complete Sovereign body as the Federal Legislature of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan. You know really that not only we ourselves are wondering but, I think, the whole world is wondering at this unprecedented cyclonic revolution which has brought about the plan of creating and establishing two independent Sovereign Dominions in this sub-continent. As it is, it has been unprecedented; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regard to it is that we have achieved it peacefully and by means of a revolution of the greatest possible character.

Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few things as they occur to me. The first and the foremost thing that I would like to emphasise is this—remember that you are now a Sovereign legislative body and you have got all the powers. It, therefore, places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this. You will no doubt agree with me that the first duty of a Government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.

The second thing that occurs to me is this. One of the biggest curses from which India is suffering—I do not say that other countries are free from it, but, I think, our condition is much worse—is bribery and corruption. (*Hear, hear.*) That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so.

Black-marketing is another curse. Well, I know that black-marketeers are frequently caught and punished. According to our judicial notions sentences are passed, and sometimes fines only are imposed. Now you have to tackle this monster which today is a colossal crime against society, in our distressed conditions, when we constantly face shortage of food and or the

essential commodities of life. A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These black-marketeers are really knowing, intelligent and ordinarily responsible people, and when they indulge in black-marketing, I think they ought to be very severely punished, because they undermine the entire system of control and regulation of food-stuffs and essential commodities, and cause wholesale starvation and want and even death.

The next thing that strikes me is this. Here again is a legacy which has been passed on to us. Along with many other things good and bad, has arrived this great evil—the evil of nepotism and jobbery. This evil must be crushed relentlessly. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me. Wherever I find that such a practice is in vogue, or is continuing anywhere, low or high, I shall certainly not countenance it.

I know there are people who do not quite agree with the division of India and the partition of the Punjab and Bengal. Much has been said against it, but now that it has been accepted, it is the duty of every one of us to loyally abide by it and honourably act according to the agreement which is now final and binding on all. But you must remember, as I have said, that this mighty revolution that has taken place is unprecedented. One can quite understand the feeling that exists between the two communities wherever one community is in majority and the other is in minority. But the question is whether it was possible or practicable to act otherwise than has been done. A division had to take place. On both sides, in Hindustan and Pakistan, there are sections of people who may not agree with it, who may not like it, but in my judgment there was no other solution and I am sure future history will record its verdict in favour of it. And what is more it will be proved by actual experience as we go on that that was the only solution of India's constitutional problem. Any idea of a United India could never have worked and in my judgment it would have led us to terrific disaster. May be that view is correct; may be it is not; that remains to be seen. All the same, in this division it was impossible to avoid the questions of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do? Now, if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make.

[*Mr. President.*]

I cannot emphasise it too much. We should begin to work in that spirit
 11 A.M. and in course of time all these angularities of the majority and minority communities—the Hindu community and the Muslim community—because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khattris, also Bengalese, Madrasis and so on—will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain its freedom and independence and but for this we would have been free peoples long long ago. No power can hold another nation, and specially a nation of 400 millions souls in subjection ; no body could have conquered you, and even if it had happened, no body could have continued its hold on you for any length of time but for this. (*Applause.*) Therefore we must learn a lesson from this. You are free ; you are free to go to your temples, you are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State (*Hear, hear*). As you know, history shows that in England conditions some time ago were much worse than those prevailing in India to-day. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State. (*Loud applause.*) The people of England in course of time had to face the realities of the situation and had to discharge the responsibilities and burdens placed upon them by the government of their country and they went through that fire step by step. Today you might say with justice that Roman Catholics and Protestants do not exist ; what exists now is that every man is a citizen, an equal citizen, of Great Britain and they are all members of the nation.

Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.

Well, gentlemen, I do not wish to take up any more of your time and thank you again for the honour you have done to me. I shall always be guided by the principles of justice and fair-play without any, as is put in the political language, prejudice or ill-will, in other words partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and co-operation, I can look forward to Pakistan becoming one of the greatest Nations of the world. (*Loud applause.*)

MESSAGES OF GOOD-WILL FROM COUNTRIES ABROAD

Mr. President : Order, order.

I have received a message from the United States of America addressed to me. It reads :

"I have the honour to communicate to you, in Your Excellency's capacity as President of the Constituent Assembly of Pakistan, the following message which I have just received from the Secretary of State of the United States.

"On the occasion of the first meeting of the Constituent Assembly for Pakistan I extend to you and to members of the Assembly the best wishes of the Government and people of the United States for the successful conclusion of the great work you are about to undertake.

I am confident that the constitution you will present to the people of Pakistan and to the world will reflect the steadfast devotion of the leaders of Pakistan to the principles of democracy and peace, and that it will serve as a living charter upon which may be based the political, social and economic progress of the people of your new nation. Your deliberations are being watched with deepest interest by the people of the United States and by freedom-loving peoples everywhere. Signed GEORGE MARSHALL, Secretary of State."

Accept, Excellency, the assurances of my highest consideration.

CHARLES W. LEWIS, Jr.

American Consul General."

Here is another message from Australia.

"The Australian Government sends its greetings and best wishes to the President and Members of the Pakistan Constituent Assembly on the occasion of the inaugural meeting of the Assembly.

It is the confident hope of the Australian Government that the attainment of statehood by Pakistan will be marked by increasing prosperity and happiness of its citizens and by a valuable addition to the influence for peace and progress in the community of nations."

RESOLUTION *re* : NATIONAL FLAG OF THE FEDERATION OF PAKISTAN

Mr. President : The Honourable Mr. Liaquat Ali Khan.

***The Honourable Mr. Liaquat Ali Khan** (East Bengal : Muslim) :
Sir, I beg to move :

"That this Assembly resolves that the National Flag of the Federation of Pakistan be of the following description :—

A dark green rectangular flag in the proportion of length to width 3 : 2 with a white vertical bar at the mast, the green portion bearing a white crescent in the centre and a five pointed white heraldic star.

The size of the white portion being one-fourth the size of the flag, nearest the mast, the remainder three-fourths being dark green. The dimensions of the crescent and star are obtained as follows :—

Draw the diagonal from the top right hand corner to the bottom left corner of the green portion. On this diagonal establish two points—'A' and 'B'. Point 'A'

*Speech not corrected by the Honourable Member.

[The Hon'ble Mr. Liaquat Ali Khan.]

at a distance equidistant from top right and bottom left hand corners of the green portion, i.e., the centre of the green portion. Point 'B' at a distance from the top right hand corner equal to $\frac{13}{20}$ th the width of the flag. With centre point 'A' and radius $\frac{3}{10}$ th the width of the flag describe the arc of a circle. With centre point 'B' and radius $\frac{1}{4}$ th the width of the flag describe a second arc. The enclosure made by these two arcs forms the crescent. The dimensions of the five pointed white heraldic star are determined by drawing a circle $\frac{1}{10}$ th the width of the flag. The circle surrounds the five points of the heraldic star. The star lies with one point on the diagonal and pointing to the top right hand corner of the flag. The tip of this point lies on the diagonal at a point where the larger arc of the crescent, if completed, cuts the diagonal."

Sir, I have given description of how the National Flag of Pakistan is to be made, and.....(The Honourable Member then unfurled a specimen of the proposed national flag in the House)..... (Cheers).....I have shown to this meeting of the Constituent Assembly the dimensions of the flag and other instructions that are given.

Now, Mr. President, the Flag, it will be noticed, is not the flag of any one political party or any one community. The flag is the Flag of Pakistan Nation, of the Pakistan State which has to come into existence on the 15th of August. Sir, the Flag of every nation is not merely a piece of cloth. It is not really the cloth that matters, but it is what it stands for, and I can say without any fear of contradiction that this Flag which I had the honour to present to this House, will stand for freedom, liberty and equality (Cheers) to those who owe allegiance to this Flag of Pakistan. This flag will protect the legitimate rights of every citizen. This Flag will protect and defend the integrity of the State. This Flag, Mr. President, I have not the least doubt in my mind, will gain the respect of all the nations of the world, because I am confident that once the Pakistan State is established, once we get an opportunity of working out the destiny of seventy millions of people, we will be able to show to the world at large that although we are a new State, yet we are a state worthy of the seventy millions of Pakistan. We are a state that will play its role honourably in the councils of the World and we will not be a state that will have any desire of conquest. We will be a State that will maintain and help in maintaining the peace throughout the world. We know what are the consequences of exploitation. We have been exploited for the last 200 years and we would be the last people to use our flag for the purpose of exploiting other nations. Therefore, Mr. President, this Flag will be a flag of freedom not only for the peoples of Pakistan; this Flag will be an emblem of peace to help in maintaining peace throughout the world.

Now, Sir, as I visualise the State of Pakistan, it will be a State where there will be no special privileges, no special rights for any one particular community or any one particular interest. It will be a State where every citizen will have equal rights and equal opportunities. It will be a State where people

will have equal privileges and those who demand equal privileges will have to share equally all the obligations of law on the citizens of the State. (*Hear, hear.*) Therefore, Mr. President, as I said, it is not really the piece of cloth of the Flag that matters. It is not its colouring that matters. But it is what the Flag stands for, and I can assure the Honourable House that as constituted, as I visualise the future constitution of Pakistan, it will stand for Freedom, Liberty and Equality of all the citizens of the Pakistan State and for the integrity and independence of the Pakistan Federation.

Mr. Bhim Sen Sachar (West Punjab : General): Sir, have I your permission to address this House in Hindustani ?

Mr. President : I understand, according to the rules, the language of the House is English, unless any Honourable Member is unable to express himself adequately in English. In that event he can certainly speak in any language in which he can speak best.

Mr. Bhim Sen Sachar : I may be permitted to make a reference to the rule that we passed yesterday which gives you absolute powers to modify any rule of the Central Legislature.

Mr. President : I shall have a look at it again, but I think I know the rules of the Central Legislative Assembly fairly well.

I shall read the relevant rule :

“The business of the Assembly shall be transacted in English provided that the President may permit any Member unacquainted with English to address the Assembly in a Vernacular language.”

So I was quite right.

Mr. Bhim Sen Sachar : That is correct but I was not making a reference to that rule.

Mr. President : Order, order, please. I have given my ruling.

Mr. Bhim Sen Sachar : I bow to your ruling.

Sir, I must offer my heartfelt congratulations to my friend, Mr. Liaquat Ali Khan, for his excellent speech in proposing his resolution. I have heard with rapt attention the most refreshing observations that have fallen from your lips as well. It may be asked why after these observations, why after these assurances I still feel the necessity of coming forward with my amendment. The reason is this.

Sir, as the leader of the Congress Party has made it clear on the floor of this House this morning we believe that anyone who wants to remain in Pakistan must be loyal to that State. We have heard with great satisfaction the assurances that have been given by you and I take it that your utterance throws a tremendous responsibility on your lieutenants and others on whom it will be left to administer the affairs of the State from day to day. It is one thing to lay down a certain policy but it is completely different to give effect to that policy in practice. I am sure, however, that under your guidance and

[*Mr. Bhim Sen Sachar.*]

under your inspiration the Government will translate into action the assurances that have been given by you and the principles that have been enunciated by you.

The reason why I am asking for this amendment is that we of the minority want to feel that we are associated with the affairs of the State at every step. The determination of the national flag of a State is no small matter. It is a matter of the greatest importance because the flag of a Nation symbolises the urges, the aspirations, the traditions and the spirit of the people for whom it serves as the guiding star. At the sight of the flag a man forgets the perils to which he exposes himself. He forgets the dangers he has to face and he rushes even to embrace death when the flag imposes on him to do that.

Sir, the purpose of my amendment is to make the flag more acceptable. I am very glad to know from the lips of my friend, the Honourable Mr. Liaquat Ali Khan, the exposition of the flag. I have known from him and from you, Sir, that this flag is not a religious flag and that this is a flag of a State which will be inhabited by Mussalmans, Hindus, Sikhs and others, all as equal citizens of the State. That is a very welcome pronouncement. That the flag does not represent the suspected religious character is a very happy pronouncement. That will go a great way in creating the necessary confidence, which unfortunately for reasons which we are properly advised to forget, was wanting.

Sir, it may be urged that the time at our disposal is not sufficient and that if you accept my amendment to refer this proposal to a committee we may not have time enough to send the modified flag, if any, to the various parts of the Dominion for being flown on the 15th August which is certainly a very auspicious day for us because on this day one and all who have been inhabiting this ancient land which is now divided into two Dominions of India and Pakistan, shall rise as free men among the nations of the world. I am sure everyone will agree with me that that is a very auspicious day, the 15th of August, that will make every Indian free.

Therefore, Sir, when I make this suggestion of having a committee, my idea is that those of the minorities who could not be associated with the determination of the design of the flag, may be given an opportunity to express themselves and make suggestions which if accepted, may be incorporated in the flag. The time is absolutely no factor and if you would permit me I would say any organisation which is presided over by an indomitable spirit of Quaid-i-Azam, can certainly defy time. The whole organisation of Pakistan can set about creating new flags for being flown even within 24 hours notice if it were so minded. I know I have said that the report should be made to this House by 10 o'clock tomorrow. But we can disperse now and make a report before quarter to one today. I would ask you to give an opportunity

to the representatives of the minorities to sit with you and deliberate on a matter which is of a national importance.

The object as I have said, Sir, is not to create any difficulties in the way, because the amendment as it runs, reads—

“ That for the original Resolution the following be substituted :

‘ That this Assembly resolves that a Committee consisting of seven members, namely ; Sjt. Kiran Sankar Roy, Sjt. Dharendra Nath Datta and the mover, and four other members to be nominated by the President of the Constituent Assembly, be formed for the purpose of determining the design of the National Flag of the Federation of Pakistan.

Five members shall form the quorum.

The Committee shall submit its report by 10 o'clock on Tuesday, the 12th August, 1947.’ ”

You will see, Sir, from this that it is not necessary for the House to elect the remaining Members, so that no time will be lost. The nomination can be made at once and the time will thus be cut short. In this way we will have an opportunity of placing our views before the majority who have proposed certain flag. I do not know, Sir, why it was not possible for my friend, Mr. Liaquat Ali Khan, to consult the representatives of the minorities even before that. So that if it were desired to associate the minorities with the determination of the design of the national flag, there was ample time, and now because this time has been allowed to go, it is necessary that within the short time at our disposal we make absolutely the best use of the situation. This will be perfectly in keeping with the spirit of the arrangement which we have come to.

You know, Sir, this Pakistan is not the result of any conquest. There is no question of a conquerer and the conquered. It is the result of mutual understanding. It is the result of mutual accommodation. It is the result of trying to work out the destiny of the great country in a manner which has appealed best to the two great political parties in the country. Therefore, Sir, my submission is that one thing which is essential is to have the Pakistan State built on a joint basis so that in no case should the minorities think that here is a majority, which conscious of the strength of its members, can march alone merrily without even bothering to consult the wishes of a minority in a measure of such great national importance. Therefore I submit, Sir, that my amendment which is absolutely innocuous, which is actuated by the best of spirit, which is actuated with a desire to further the relations and to cement the relations between the various communities that will inhabit this Pakistan, should be accepted. And, Sir, I am sure I am asking for no favour. As my friend has said there will be no concessions, I here also declare that we ask for no concessions, we ask for no favours. We want equality of opportunity to work, and work shoulder to shoulder with the people that will be inhabiting this State of Pakistan.

(Cheers from Congress Benches.)

Mr. Dharendra Nath Datta (East Bengal : General) : Mr. President, Sir, may I be allowed to speak a few words : Sir, this amendment that has been moved by my friend, Mr. Sachar, is a modest demand of the minority

[*Mr. Dhirendra Nath Datta.*]

community of this Pakistan State. It is admitted that we shall enjoy the rights and privileges of the State and share the difficulties of State. It is desirable that the flag should be designed with the assent of the minority so that it may create enthusiasm for all—voluntary allegiance of the minority. But, Sir, it is admitted that the design of this flag has not been determined in consultation with the minority. It is useless to disguise the fact that we are not happy over the division of India. We resented the division of India and we are not also happy over the division of India. It will also be apparent to you, Sir, that this flag is almost identical with the Party flag of the Muslim League. It is to a great extent identical, if not the most part of it to the Muslim League-flag. (*A voice* : “What about the Congress flag?”). I know it has been whispered “what about the Congress flag?” I might tell you, Sir, the Congress flag,—at least it was claimed all along—it does not represent any community. It represented the virtues of the Nation. The Congress tri-coloured flag did not represent the communities of India but represented the virtues of the Nation. That is our claim.

The Honourable Sardar Abdur Rab Khan Nishtar (West Punjab : Muslim) : Mere claim dose not alter the fact.

Mr. Dhirendra Nath Datta : It may not alter the fact, but this is the claim and I do not want to enter into the controversy. It is a claim that has been put forward by the Congress that tri-colour represented the virtues of the Nation unlike the Muslim League flag which represents the flag of a particular community. You will see, Sir, that the Mover of the Resolution has admitted that the flag should be a secular one, should not be identified with any religion or any community living in that particular State of Pakistan. So, Sir, our idea is this. We make a modest demand, and our demand is very modest. We say let the design of this flag be determined in consultation with the minority community. If our demands, our suggestions be not accepted, certainly we shall salute this flag as it is determined by this House. I was told yesterday that the design of the flag cannot be changed. So I wanted to make a suggestion in a Committee consisting of seven persons. There will be no delay in forming the Committee—four members will be nominated. We have mentioned three persons from our side to work on the Committee and we have also desired the Committee to submit its report by 10 o'clock tomorrow. So, Sir, instead of accepting this flag today, the flag, the design of which has been determined without consulting the minority community, let us at present accede to our modest request. It is a very modest request. Let there be a committee who will make our suggestions across the table. We say, Sir, that the proposed flag identifies itself with the flag of a particular political party and therefore there should be some other changes. We will make the suggestion in the Committee and if this suggestion is not accepted, we shall salute this flag. But why should we be debarred from making this suggestion? If this modest demand be not

acceded to, the people outside may feel that whatever the statement may be, in the matter of actions, in the matter of translating that statement into action, we shall not be given the same facilities that we should be given. In the interests of the State itself, a situation should be created which will be helpful in creating enthusiasm over the flag. We have come from a distant corner of this country. I have come from the district of Tipperah in Eastern Bengal.

My Hindu constituents have told us that we should make certain suggestions with regard to the design of the flag. They are ready to accept the flag that will be determined by the Constituent Assembly. They will salute it and I repeat it again that we shall salute the flag that will be determined by the Constituent Assembly and we shall die for it. But, Sir, shall we be debarred from making these suggestions? I can make the suggestion just now, but it will not be for the benefit of the Members of the Constituent Assembly. Therefore, let us have a Committee and in this Committee we will make suggestions. I am quite sure the suggestion that will be given in the Committee may be acceptable to the Members of the Committee and it may be accepted by this House. This flag that will be determined then with the consent of the minority community will be a flag which will create such an enthusiasm that we will be able to say that really the Pakistan State has begun well. It is a sentimental matter no doubt, but the flag is the most important thing for the State and for the interest of the State itself we want that this Constituent Assembly should accept the amendment moved by my Honourable friend, Mr. Sachar.

***The Honourable Mr. Liaquat Ali Khan:** Sir, I have listened very carefully to the speeches that have been made by the Mover of the amendment and the Honourable Member who has supported him. There seems to be some confusion in the mind of the Honourable Member who has just sat down. This is not the same flag. The flag that I have presented to the House is not the same flag as the Muslim League flag.

Mr. Dharendra Nath Datta: I did not say that it is same flag.

The Honourable Mr. Liaquat Ali Khan: Then, he had said that it is the religious flag. If he would look up the history, he would find that during the time of our Holy Prophet there was no such flag. Therefore, I do not know how he says that it is a religious flag. As a matter of fact, moon and stars are as common to my Honourable friend and they are as much his property as mine.

Mr. Kiran Sankar Roy (East Bengal : General): Would you have the sun also, which is also a common property?

The Honourable Mr. Liaquat Ali Khan: The only objection is that the sun's heat is scorching and moon's light is soothing. I do not want our flag to be scorching. I want our flag to give the light that will soothe the nerves.

* Speech not corrected by the Honourable Member.

Mr. Dharendra Nath Datta: Sun indicates rapid progress.

The Honourable Mr. Liaquat Ali Khan: I yesterday pointed out to my friends when they talked to me that I would have been only too glad to accept a proposition of this kind had there been sufficient time to examine the proposals and what is more to get the information to every nook and corner of the Pakistan State. Surely, it is not expected that on the 15th, when the Pakistan State is born, that State should have no national flag. And I would point out to my Honourable friends that we have tried to give quite a prominent place to white in this flag which I have presented. More than one-fourth of the flag is white, and, as my Honourable friends know, white is made up of seven different colours and thank God we have not got seven different minorities in Pakistan. Therefore, there is room for not only all the minorities that are today but for any other minorities that might spring up hereafter.

Mr. Bhim Sen Sachar: I hope you will not create them !

The Honourable Mr. Liaquat Ali Khan: My Honourable friend says that he hopes I will not create minorities. It is only a minority that can create a minority. I happen to be a majority in Pakistan and therefore it will not be my desire to create any more minorities.

Sir, my Honourable friends have made an appeal and I wish it were really possible to accept their proposal. Let me tell my Honourable friends over there that even the Muslim members of the Constituent Assembly knew nothing about this Flag, because there, again, the time factor was really the chief consideration. This Flag was designed in Delhi by a few of us and I can assure my Honourable friends that it is for the first time that my Muslim colleagues in this House have seen it together with them. Therefore, it is not a question that we did not want to associate minorities when the determination of the flag was being considered. It would be our endeavour and our desire, I can assure my Honourable friends over there, to associate the representatives of the minorities in this House at every stage in our deliberations. We want to work in co-operation and not in opposition. Therefore, I hope my Honourable friends will not press the motion which they have moved. After I have given the reasons for not having adopted the course which probably would have been better if there had been time and which I would adopt in future with regard to other matters as far as it is practicable and in view of the shortness of time at our disposal and also in view of the fact that the National Flag of Pakistan has got to fly in every nook and corner of the territories of Pakistan on the 15th, I hope my Honourable friends would not press their motion and would accept the proposition which I have placed before the Honourable Members in this House.

Mr. President: I take it that the Honourable Member does not wish to withdraw his amendment.

Mr. Bhim Sen Sachar : No, Sir.

Mr. President : Then, I will put to the House the amendment first. The question is :

“That for the original Resolution the following be substituted :

‘That this Assembly resolves that a Committee consisting of seven members, namely : Sjt. Kiran Sankar Roy, Sjt. Dharendra Nath Datta and the mover, and four other members to be nominated by the President of the Constituent Assembly, be formed for the purpose of determining the design of the National Flag of the Federation of Pakistan.

Five members shall form the quorum.

The Committee shall submit its report by 10 o'clock on Tuesday, the 12th August, 1947.’ ”

The motion was negatived.

Mr. President : I will now put the original resolution. As it is a long one, I hope the House will permit me not to read it.

The original motion was put and adopted.

Mr. Kiran Sankar Roy : May I have your permission to say a word ? I have no desire to re-open the debate. I merely wish to say that we had made a suggestion and I regret that the suggestion was not accepted.

Mr. President : You are out of order.

Mr. Kiran Sankar Roy : If you will permit me I think what I will say will be helpful.

Mr. President : You cannot speak on this item now. We must get on to the next item. I must keep within rules. I shall be delighted to hear your speech but I am debarred by the rules. I hope you will appreciate that.

Mr. Kiran Sankar Roy : I just wanted to say that after the verdict of the House we accept this Flag as the Flag of the State. We shall pay it proper respect and we shall be loyal to it. (*Applause.*)

The Honourable Mr. Liaquat Ali Khan : I propose that these two flags which have just been approved by the House be placed in the National Museum when that Museum comes into being and in the meantime they should remain in safe custody with the President of the Constituent Assembly.

RESOLUTION *re* : APPOINTMENT OF COMMITTEE TO REPORT ON THE RULES OF PROCEDURE, ETC.

The Honourable Sardar Abdur Rab Khan Nishtar : (West Punjab: Muslim) : I beg to move :

“That this Assembly resolves to appoint a Committee consisting of a Chairman to be nominated by the President and seven other members to be elected by this Assembly in accordance with the schedule mentioned hereunder, to report as soon as possible on the following matters :—

- (a) rules of procedure of the Assembly,
- (b) powers of the President, and
- (c) procedure for declaration and filling of the vacancies in the Assembly.

The quorum of the Committee will be fixed at three including the Chairman:

[*The Hon'ble Sardar Abdur Rab Khan Nishtar.*]

SCHEDULE.

- (1) The Members of the Committee shall be elected according to the principle of proportional representation by means of the single transferable vote. The election shall be conducted as nearly as possible in accordance with the regulations in force in this behalf in the Central Legislative Assembly.
- (2) The President shall fix and announce a date and time for the holding of the election (if necessary) of the Members of the Committee.
- (3) Notice may be given by any Member desirous of proposing a Member or Members for election to the Committee. Notice shall be given in writing addressed to the Secretary and signed by the Member giving notice and shall be left at the Notice Office before 12 NOON on a day to be fixed by the President. The member giving notice must satisfy himself that the Members he proposes are willing to serve, if elected.
If within the time appointed by the President any candidate proposed desires to withdraw his name, he shall be free to do so.
- (4) If the number of the candidates so nominated is less than the number of vacancies to be filled, the President shall declare the persons so nominated as duly elected and for the remaining vacancies will appoint a further period within which the notice aforesaid may be given and may thereafter appoint additional further periods until the number of candidates is not less than the number of vacancies to be filled.
- (5) If the total number of candidates nominated is equal to the number of vacancies to be filled, the President shall declare all the candidates to be duly elected.
- (6) If the total number of candidates nominated exceeds the number of vacancies to be filled, an election shall be held in the manner prescribed in paragraph (1).
- (7) For the purposes of these paragraphs a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer have not signed the Assembly Roll as Members of the Assembly."

Mr. President, yesterday this House passed a Resolution adopting for the time being the Rules of Procedure as obtaining in the present Indian Legislative Assembly but so far as those rules are concerned they were framed under an Act which will not be in force from 15th onward. Moreover, so far as this Constituent Assembly is concerned it is a Sovereign body made under special circumstances and it has to deal with special kinds of matters and I do not think that these rules can suit the necessities and requirements of this House for a very long time. No doubt at the moment we had to adopt certain rules and we had ready made rules at hand and we adopted them but it is absolutely essential that at the earliest possible opportunity special rules should be adopted by this Sovereign body itself and for that purpose I have proposed this Resolution: that a Committee may be appointed to go into the question, examine it and report to the House as soon as possible. I have suggested that so far as Chairman is concerned he should be nominated by the President. I may make that position a little bit clear, particularly for the Honourable gentleman who has given notice of an amendment, that generally so far as the amendment of rules and standing orders is concerned, over a committee that is set up for that purpose the President presides. It is the privilege of the President to preside over such Committees because it is the President who has to enforce such rules and it is for him to see that the rules are properly observed. In this case

we find that so far as our President is concerned he has got so many duties to discharge as the Head of the State, as President of the Constituent Assembly and so on and so forth that it will not be possible for him to attend most of the meetings of this Committee. Therefore I have suggested that the President who has the privilege to preside over the Committee should also have the right to nominate his representative as Chairman of that Committee. I hope that this explanation of mine will satisfy the gentleman who intends to move that amendment. Anyhow if the amendment is moved and any further clarification is necessary I shall be quite glad to do so.

With these words I move the resolution.

Mr. President : I think the Honourable Members will not expect me to read this out again. The Resolution is moved.

Mr. Dharendra Nath Datta (East Bengal : General) : I beg to move :

"That in the Resolution for the words beginning with 'That this Assembly resolves to appoint a Committee' and ending with the words 'three including the Chairman,' the following be substituted :—

'(1) That this Assembly resolves to appoint a Committee consisting of seven members to be elected by this Assembly in accordance with the schedule mentioned hereunder to report as soon as possible on the following matters :—

- (a) rules of procedure of the Assembly,
- (b) powers of the President, and
- (c) procedure for declaration and filling of the vacancies in the Assembly.

The quorum of the Committee will be fixed at five including the Chairman.

(2) The Committee shall elect its Chairman from amongst its members.' "

Mr. President, the only thing that I have suggested in this amendment is this. In the Resolution it has been stated that the members of the Committee will be elected by the Assembly in accordance with the method of the single transferable vote, but, Sir, it has been stated that the President shall nominate the Chairman of the Committee. Mr. President, Sir, I feel that if the House has to elect a Committee the Committee must appoint its Chairman. It is not desirable that the Chairman of the Committee should be nominated by any other person. The House has got the right to elect a Committee and the Committee should have the right to appoint its Chairman. That is what is desired by this amendment. I think the House will agree with me on principle that it is desirable that the Committee which is to be elected by the House should appoint its own Chairman. I have heard the reason given by the Honourable the Mover of the Resolution that 'under the Government of India Act, under the Standing Rules and Orders of the Central Legislative Assembly, it is the President who should preside over the Committee.

We have to frame the rules on democratic principles. We have to make re-orientation of our ideas, we must forget those days, those bureaucratic days. If the House has got the right to elect a Committee, the Committee shall have the right to elect its own Chairman. Therefore,

[*Mr. Dharendra Nath Datta.*]

Sir, it is useless to refer to the Standing Orders and Rules of those bureaucratic days. We shall make a re-orientation in our outlook and frame democratic rules and I hope the House will accept this short amendment of mine which I am moving. With these words I move the amendment.

Mr. President : Amendment moved :

"That in the resolution for the words beginning with 'That this Assembly resolves appoint a Committee' and ending with the words 'three including the Chairman.' the following be substituted :—

(1) That this Assembly resolves to appoint a Committee consisting of seven members to be elected by this Assembly in accordance with the schedule mentioned hereunder to report as soon as possible on the following matters :—

(a) rules of procedure of the Assembly,

(b) powers of the President, and

(c) procedure for declaration and filling of the vacancies in the Assembly.

The quorum of the Committee will be fixed at five including the Chairman.

(2) The Committee shall elect its Chairman from amongst its members. ' "

***The Honourable Mr. Liaquat Ali Khan** (East Bengal: Muslim): I am afraid my Honourable friend has not quite appreciated as to why it is stated here that the Chairman shall be nominated by the President. He is fully aware that for such Committees the President becomes Chairman *ex-officio*, for after all it is a Committee which is being appointed to frame rules of procedure of the Assembly, the powers of the President and such other matters. Now he would recognise this fact that the President of the Assembly should have been appointed *ex-officio* Chairman of such a Committee, but if he would recollect we passed a Resolution yesterday stating that the President may appoint a panel of Chairmen of four, one of whom in the absence of the President, may preside at the meetings of the Constituent Assembly. Therefore for this purpose also I think the President would appoint one out of the panel of the four Chairmen to preside at the meetings of this Committee.

As regards the election of the members for the Committee, my Honourable friend has no objection, neither has he any objection to the number. So, therefore, in view of what I have stated and the reasons that I have given, I hope he will withdraw his amendment. It was really done because after the Assembly had passed this Resolution giving power to the President to appoint a panel of Chairmen, we thought that on account of the fact that we have our President as the Governor-General of Pakistan, it may not be possible for him to preside over these meetings of the Committee and therefore he would nominate most probably one of the four members of the panel of Chairmen.

Mr. Dharendra Nath Datta : After what I have heard I withdraw my amendment.

The motion was, by leave of the Assembly, withdrawn.

Mr. President : Now I put the Resolution to the House.

The resolution was put and adopted.

* Speech not corrected by the Honourable Member.

ELECTION OF MEMBERS TO THE COMMITTEE ON RULES OF PROCEDURE, ETC.

Mr. President : In pursuance of the Resolution passed by this House just now (No. 4) I have to make a further announcement. Nominations for membership of the Committee will be received by the Secretary up to 12 NOON tomorrow, 12th August, 1947. Election, if any, to be held in the Deputy Secretary's (Legislation) Room on 13th August, 1947, between 10 A.M. and 12 NOON.

The Honourable Mr. Liaquat Ali Khan (East Bengal: Muslim) : May I request you that the item* No. 5 may be taken up tomorrow instead of today? This item stands in my name.

Mr. President : I take it that is the wish of the House.

RESOLUTION *re*: APPOINTMENT OF NEGOTIATING COMMITTEES

The Honourable Sardar Abdur Rab Khan Nishtar (West Punjab Muslim: Sir, I beg to move :

“That this Assembly resolves to authorize the President to set up Committees in such manner as he may from time to time determine for the purpose of negotiating with representatives of Indian States, Tribal Areas, Excluded and Partially Excluded Areas, regarding their participation and representation in the Constituent Assembly.”

Sir, so far as this resolution is concerned, I do not think that a very lengthy clarification is necessary for it. It is apparent that so far as Pakistan is concerned, it has to enter into certain agreements with States and the Tribal Areas and it has to adopt its own attitude towards the Excluded Areas and Partially Excluded Areas. In the past when the Cabinet Mission Plan was alive the position was quite different. Now we are faced with this situation that by the time these negotiations are started there will be full-fledged sovereign Pakistan State in existence. So far as Indian States are concerned the agreements will have lapsed by that time. So far as the Tribal Areas are concerned the agreements with them also will have lapsed. Therefore it is necessary to start negotiations with group of States or with separate States, as the case may be, because the Chamber of Princes no longer exists nor a Body which can represent all the States. A Negotiating Committee was set up some time back by the Princes but that Committee is also dead. Therefore according to the exigencies of times, the requirements of the task, it will be necessary for the head of the State to appoint Committees to negotiate with the Indian States and also with different Tribes that live on the border of Pakistan. For this purpose many committees will have to be appointed and therefore

* “That this Assembly resolves that a Committee consisting of the President and the following members, namely, (names will be given by the mover on the floor of the House) be appointed to advise this Assembly on Fundamental Rights of citizens of Pakistan and on matters relating to the Minorities with power to the President to nominate not more than seven other members who need not be members of the Constituent Assembly.”

[*The Hon'ble Sardar Abdur Rab Khan Nishtar*]

I have moved that from time to time our President who also happens to be the head of the State may appoint Committees to negotiate with the Tribal Areas, with the Indian States and with the representatives of Excluded Areas and Partially Excluded Areas.

So far as these negotiations are concerned, I may point out that they are to be restricted only to the participation and representation of the States, etc., in the Constituent Assembly.

So far as other matters are concerned, of course they are to be dealt with at governmental level. With this explanation I hope this Honourable House will be pleased to accept this resolution.

Mr. President : The question is:

"That this Assembly resolves to authorise the President to set up Committees in such manner as he may from time to time determine for the purpose of negotiating with representatives of Indian States, Tribal Areas, Excluded and Partially Excluded Areas, regarding their participation and representation in the Constituent Assembly."

The motion was adopted.

RESOLUTION *re*: TEMPORARY FIXATION OF ALLOWANCES OF MEMBERS OF THE ASSEMBLY

Mr. President : The Honourable Mr. Ghazanfar Ali Khan.

The Honourable Mr. Ghazanfar Ali Khan (West Punjab : Muslim):
Sir, I beg to move :

"That this Assembly resolves that pending the decision of the Assembly in that behalf, the President shall fix the allowances of the Members of the Assembly."

Sir, the proposition contained in the resolution is clear and needs no further elucidation. I hope the House will adopt it.

Mr. President : The question is :

"That this Assembly resolves that pending the decision of the Assembly in that behalf, the President shall fix the allowances of the Members of the Assembly."

The motion was adopted.

Mr. President : Now, this House stands adjourned till 10 o'clock tomorrow morning.

The House then adjourned till Ten of the Clock, on Tuesday, the 12th August, 1947.

